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**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**EMILY CAITLIN VAN SEGGERN
3840 Melton St.
Santa Cruz, CA 95062**

**Pharmacy Technician Registration No.
TCH 160059,**

Respondent.

Case No. 7318

DEFAULT DECISION AND ORDER

(Gov. Code, § 11520)

FINDINGS OF FACT

1. On November 21, 2022, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 7318 against Emily Caitlin Van Seggern (Respondent) before the Board. (Exhibit 1.)
2. On April 11, 2017, the Board issued Pharmacy Technician Registration No. TCH 160059 to Respondent. The Pharmacy Technician Registration expired on August 31, 2022, and has not been renewed.
3. On December 1, 2022, Respondent was served by certified and first class mail copies of Accusation No. 7318, Statement to Respondent, Notice of Defense, Request for

1 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
2 her address of record which, under Business and Professions Code section 4100, is required to be
3 reported and maintained with the Board. Respondent's address of record was and is 3840 Melton
4 St., Santa Cruz, CA 95062.

5 4. On December 29, 2022, Respondent also was served by certified and first class
6 mail copies of Accusation No. 7318, Statement to Respondent, Notice of Defense, Request for
7 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
8 a secondary address of 444 Whispering Pines Dr., #188, Scotts Valley, CA 95066

9 5 Service of the accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c), and/or Business and Professions Code section
11 124.

12 6. Government Code section 11506, subdivision (c), states in part:

13 The respondent shall be entitled to a hearing on the merits if the respondent files a
14 notice of defense . . . and the notice shall be deemed a specific denial of all parts of
15 the accusation . . . not expressly admitted. Failure to file a notice of defense
16 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
17 discretion may nevertheless grant a hearing.

18 7. The Board takes official notice of its records and the fact that Respondent failed to
19 file a notice of defense within 15 days after service upon her of the accusation, and therefore
20 waived her right to a hearing on the merits of Accusation No. 7318.

21 8. Government Code section 11520, subdivision (a), states in part:

22 If the respondent either fails to file a notice of defense . . . or to appear at the hearing,
23 the agency may take action based upon the respondent's express admissions or upon
24 other evidence and affidavits may be used as evidence without any notice to
25 respondent

26 9. By its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
finds that the charges and allegations in Accusation No. 7318 are separately and severally found
to be true and correct by clear and convincing evidence.

10. The Board finds that the actual costs for investigation and enforcement are

1 \$1,674.25 as of February 1, 2023.

2 **DETERMINATION OF ISSUES**

3 1. Based on these findings of fact, Respondent has subjected her Pharmacy
4 Technician Registration No. TCH 160059 to discipline.

5 2. The agency has jurisdiction to adjudicate this case by default.

6 3. The Board is authorized to revoke Respondent's Pharmacy Technician
7 Registration based upon the following violations alleged in the accusation which are supported by
8 the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

9 a. Criminal Conviction (Bus. & Prof. Code, §§ 490, 4301, subd. (l))

10 b. Unprofessional Conduct: Dangerous Use of Alcohol (Bus. & Prof. Code, §
11 4301, subd. (h))

12 **ORDER**

13 IT IS ORDERED that Pharmacy Technician Registration No. TCH 160059 issued to
14 Respondent is revoked.

15 Under Government Code section 11520, subdivision (c), Respondent may serve a written
16 motion requesting that the decision be vacated and stating the grounds relied on within seven days
17 after service of the decision on her. The agency in its discretion may vacate the decision and
18 grant a hearing on a showing of good cause, as defined in the statute.

19 This Decision shall become effective at 5:00 p.m. on April 5, 2023.

20 It is so ORDERED on March 6, 2023.

21 FOR THE BOARD OF PHARMACY
22 DEPARTMENT OF CONSUMER AFFAIRS
23 STATE OF CALIFORNIA

24
25 By



26 Seung W. Oh., Pharm.D.
27 Board President

28 43558811.DOCX
DOJ Matter ID:SF2022402114

Exhibit 1

Accusation

1 ROB BONTA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 GREGORY TUSS
Deputy Attorney General
4 State Bar No. 200659
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3435
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7318

13 **EMILY CAITLIN VAN SEGGERN**
14 **3840 Melton St.**
Santa Cruz, CA 95062

ACCUSATION

15 **Pharmacy Technician Registration No.**
16 **TCH 160059,**

17 Respondent.

18
19 **PARTIES**

20 1. Anne Sodergren (Complainant) brings this accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

22 2. On April 11, 2017, the Board issued Pharmacy Technician Registration No.
23 TCH 160059 to Emily Caitlin Van Seggern (Respondent). This original pharmacy technician
24 registration was in full force and effect at all times relevant to the charges brought in this
25 accusation and will expire on August 31, 2021, unless renewed.

26 **JURISDICTION**

27 3. This accusation is brought before the board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 “(h) The administering to oneself, of any controlled substance, or the use of any
2 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
3 injurious to oneself, to a person holding a license under this chapter, or to any other person or to
4 the public, or to the extent that the use impairs the ability of the person to conduct with safety to
5 the public the practice authorized by the license.

6 . . .

7 “(l) The conviction of a crime substantially related to the qualifications, functions, and
8 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
9 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
10 substances or of a violation of the statutes of this state regulating controlled substances or
11 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
12 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
13 The board may inquire into the circumstances surrounding the commission of the crime, in order
14 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
15 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
16 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
17 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
18 of this provision. The board may take action when the time for appeal has elapsed, or the
19 judgment of conviction has been affirmed on appeal or when an order granting probation is made
20 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
21 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
22 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
23 indictment.”

24 8. California Code of Regulations, title 16, section 1770, states:

25 “For the purpose of denial, suspension, or revocation of a personal or facility license
26 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
27 crime or act shall be considered substantially related to the qualifications, functions or duties of a
28 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a

1 licensee or registrant to perform the functions authorized by his license or registration in a manner
2 consistent with the public health, safety, or welfare.”

3 **COST RECOVERY**

4 9. Section 125.3, subdivision (a), states:

5 “Except as otherwise provided by law, in any order issued in resolution of a disciplinary
6 proceeding before any board within the department or before the Osteopathic Medical Board,
7 upon request of the entity bringing the proceeding, the administrative law judge may direct a
8 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
9 to exceed the reasonable costs of the investigation and enforcement of the case.”

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(February 28, 2022, Criminal Conviction – DUI on October 11, 2021)**

12 10. Respondent has subjected her pharmacy technician registration to discipline under
13 Business and Professions Code sections 490 and 4301, subdivision (l), for being convicted of a
14 crime. On February 28, 2022, in *The People of the State of California vs. Emily Caitlin Van*
15 *Seggern*, Santa Cruz County Superior Court Case No. 21CR05801, Respondent pled no contest to
16 driving while under the influence of alcohol (Veh. Code, §§ 23152, subd. (a)), a misdemeanor.
17 Imposition of sentence was suspended, and Respondent was placed on three years’ probation.
18 Terms and conditions of probation included 20 days’ incarceration. The circumstances that led to
19 the arrest are that on October 11, 2021, Respondent was driving a car which rear-ended another
20 car at a stop light in Watsonville. Respondent fled the scene and was stopped by the police at
21 about 3:42 p.m. Her blood alcohol concentration measured 0.30 percent at about 4:33 p.m. and
22 .029 percent at about 4:35 p.m.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct: Dangerous Use of Alcohol)**

25 11. Respondent has subjected her pharmacy technician registration to discipline under
26 Business and Professions Code section 4301, subdivision (h), for using alcohol in a manner
27 dangerous to herself or others, as alleged in paragraph 10 above.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this accusation, and that following the hearing the Board issues a decision:

1. Revoking or suspending Pharmacy Technician Registration No. TCH 160059 issued to Respondent;
2. Ordering Respondent under Business and Professions Code section 125.3 to pay the Board the reasonable costs of the investigation and enforcement of this case; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 11/21/2022

Sodergren,
Anne@DCA

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

Digitally signed by Sodergren,
Anne@DCA
Date: 2022.11.21 19:51:33
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